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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,735	03/12/2001	Mounir Ben Fredj	1200.474	8681

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EXAMINER

FORD, JOHN K

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803 735

Applicant(s)

Ben Fredj et al.

Examiner

FORD

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/2/03
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 9, 11, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7, 10, 12, 13, 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 9, 11, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Applicant's response has been studied carefully. Translations of DE 3820811 and JP 60-148716 have been received and are appreciated. EP 0964218 has also been received. FR 2717126 has not been provided. Applicant addresses no remarks to claims 10, 12 and 13 as to whether or not they are readable on the elected species. Therefore, claims 10, 12 and 13 have been properly withdrawn from consideration as conceded by Applicant's silence on the matter.

Claims 1-5, 8, 9, 11, 14 and 15 are readable on the elected species of Figure 4 and are rejected here.

Applicant has amended claim 1 (and non-elected claim 18) to claim a "compound heat exchanger" arguing that this feature makes the otherwise rejected claim 1 allowable. Applicant points to page 6, lines 7-12 of the specification for support for this limitation.

The Examiner points Applicant to page 6, lines 12-19 where the "compound heat exchanger", newly claimed, is disclosed to be prior art (i.e. EP 0964218), ~~Moreover~~ ^{Moreover}, this reference was used to reject claims 14 and 15 in the previous office action. It is submitted that counsel's comments that no compound heat exchanger is disclosed in the prior art is contradicted by the record in this application. Moreover, counsel has made no argument as to why any of the original rejections were ill-founded. In view of the lack of any argument, applicant has conceded that the previous rejections were well founded. Please provide a copy of FR2717126 discussed in the specification. It is also unavailable at the PTO on the current search system. This is a repeat request.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of JP 60-148716, DE 3820811 and EP 0964218.

DE '811 discloses an automobile air conditioning system with plural evaporators 103b and 103a, a compressor 101 and a condenser 104. A heating radiator is disclosed in Figure 2, element 115. Valve 112b forms "switching means" for selectively stopping flow to evaporator 103a while letting it flow through 103b, depending on required cooling power.

JP '716 discloses in Figure 1 and Figure 5 a combined heating and cooling system having two evaporators 5A and 5B (which according to the translation can be connected to a single compressor in the manner shown in Figure 1 of JP '716) and a heater 9.

To have plumbed the two evaporators ^{shown}~~when~~ in Figures 1 or 5 of JP '716 in the manner shown in DE '811 to a single compressor would have been obvious to one of ordinary skill to advantageously permit humidity regulation as taught by DE '811 in regards to Figures 1-3.

Furthermore, to have formed either evaporator 5A and heater 9 or evaporator 5B and heater 9 of JP '716 as a single unitary heat exchanger as taught by EP 0964218 to

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advantageously conserve space and reduce materials, would have been obvious to one of ordinary skill.

Claims 5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 1 above, and further in view of FR 2717126 or Mehdi et al. (4,616,484) or Dolza (2,801,827).

The claimed subject matter here is apparently disclosed by prior art FR '126, discussed on page 7 of the specification (which explanation is incorporated here by reference). Applicant has not provided the Examiner with a copy as requested in the previous office action and a repeated request is made here. Nonetheless, to have added valving and piping to the prior art used to reject claim 1 in the manner taught by FR '126 or Dolza (Fig. 2) or Mehdi (see heating loop 72, 66, 41, 42, 46, 48, 60) to improve heating performance would have been obvious to one of ordinary skill.

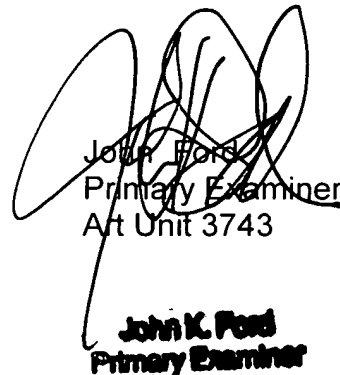
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to John Ford at telephone number 703-308-2636.



John K. Ford
Primary Examiner
Art Unit 3743

John K. Ford
Primary Examiner